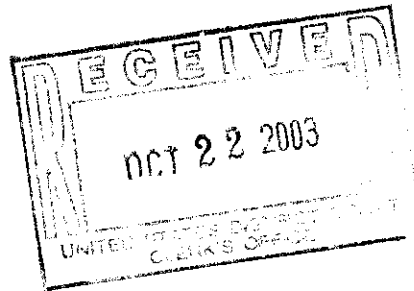


UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

Johnny Cyrus
Plaintiff

v.

David L. Winn, et al
Warden
Doctor, Newman,
Veronica Fernandez
Unit Manager
D. Bracy
Discipline Hearing Officer



PRISONER IN FILING A COMPLAINT UNDER THE CIVIL
RIGHTS ACT, 42 U.S.C. SECTION 1983

Now comes, Johnny Cyrus, Plaintiff acting Pro Se, Hereafter filing this complaint under Title 42 U.S.C. §1983 before this Honorable Court. Pro Se is incarcerated at F.M.C. Devens Prison, located in Ayer, Massachusetts, addressed P.O. Box 879, Ayer, MA. 01432-0879.

Pro Se, files this claim against the Defendant(s) in the above caption who are employed by the the Federal Bureau of Prisons, under David L. Winn, Warden of F.M.C. Devens Prison at Ayer, Massachusetts with additional Defendant(s) Doctor, Newman, Unit Manager Veronica Fernandez, and Discipline Hearing Officer, D. Bracy as well as other unnamed staff personnel of the Federal Bureau of Prisons under the direction of the Warden of the institution.

STATEMENT OF CLAIMS

David L. Winn, et at, Warden of F.M.C. Devens Prison, has allowed his staff to harass and threaten Pro Se. Pro Se has a civil suit against Defendant Winn, this is the reason for retaliation giving the staff the okay to violate my food and sexually harass Pro Se.

Defendant, Doctor, Newman, knowingly and intentionally acted in the retaliation by giving false statement about Pro Se disability conspiring with Defendant Winn to commit deliberate indifference against Pro Se, whereas Doctor Newmen is not Pro Se Doctor and has never examined Pro Se could not comment on Pro Se disability.

Defendant, Unit Manager, Veronica Fernandez, violated my rights to due process and administrative remedies by preventing Pro Se access to paper, pen, and stamps, with full knowledge that Pro Se is indigent and is being held at the time in segregation by retaliation on her own action for interfering in Pro Se due process under the authority of Defendant Winn.

Defendant, Discipline Hearing Officer, D. Bracy, charged Pro Se with defacing property and took six(6) month commissary and personal property from Pro Se, for not keeping the cell clean and using the bathroom on the floor due to my handicap condition and I was placed in a non-handicap cell.

See Pro Se attached statement of facts that these individuals under the direction and authority of Defendant David L. Winn did violate Pro Se right to due process and conspired to cause deliberate indifference and intentional undue stress to Pro Se.

Pro Se has been denied administrative remedies and rights to due process by the Defendants denying Pro Se paper, pen and access to his legal papers, Pro Se was being told that there was no paper that the jail ran out of administrative remedies and there is no paper and there will be none until January 2004, Pro Se was being told this by Defendant Unit Manager Veronica Fernandez preventing Pro Se from filing any administrative remedy, Defendant was lying to Pro Se due to the civil action that Pro Se has against the Defendant 03-40083-WGY.

This is an ongoing conspiracy with the Defendants with the authority of Warden Winn allowing the staff to act in retaliation against Pro Se for excising his due process and right to administrative remedy beyond the scope of there duties and employment causing pain and suffering to Pro Se mental anguish by the ongoing harassment, retaliation and conspiracy of the Defendants to Pro Se.

Pro Se humbly request a trial by jury of these as well as other complaints and investigation of the action and the performs of the duties of the Warden and his staff to inmates in the institution and civil damages for \$1,000,000.00 for Pro Se pain and suffering, mental anguish, harassment, retaliation and interfering with Pro Se due process.

Pro Se has been harassed by the staff of F.M.C. Devens Prison with the authority of Defendant David L. Winn who has allowed Pro Se to be racially discriminated towards, harassed, assaulted, threatened and down graded beyond the scope of there duties, prevent the Pro Se the right to due process and administrative remedies causing mental stress.

On September 30, 2003, Pro Se was given six(6) month loss of personal property and commissary for defecating on the floor of the cell three(3) times, Pro Se was placed in a non-handicap cell being handicap was unable to function, cell 108 and 124 in Mental health unit(MHU) segregation which are not handicap cells.

Pro Se was given bed pan and a urinal bottle after Defendants realized Pro Se was not in a handicap cell, Pro Se did inform the Defendants that he needed a handicap cell and that he was unable to use the toilet or be able to get in and out of bed without rails to help Pro Se from wheelchair to these areas, Defendants then moved Pro Se to cell 122 which is a handicap cell with no rails over the bed or toilet and Pro Se is forced to sleep on the floor and to keep using the bed pan and urinal bottle.

The rails had been removed from the wall near the toilet and from over the bed, Defendant, Discipline Hearing officer D. Bracy comes to Pro Se cell after he had been moved into this cell informing Pro Se he is being charged with defecating on the floor, Pro Se told Defendant D. Bracy that he can't charge Pro Se with such a charge because of his handicap and his disability not to be able to stand to use the toilet to move from Pro Se's wheelchair to perform such task, Defendant stated Defendant Dr. Newman said to charge Pro Se and Pro Se informed Defendant D. Bracy that Defendant Dr. Newman was not his Doctor and that Pro Se's Doctor is Dr. Williams.

Pro Se was informed that there was no handicap cells in Special Housing unit(SHU) segregation and that is why Pro Se was moved to MHU segregation into a cell that still was not proper for handicap use this was retaliation due to Pro Se civil action 02-40095-WGY and 03-40134-GAO.

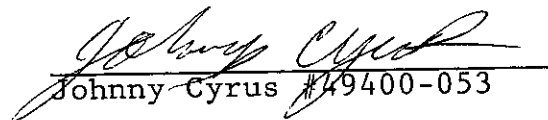
Pro Se has tried to file grievance through the prison procedures and administrative remedy procedure of the institution but was denied access to the right of those procedures forcing Pro Se to file with the Honorable Court for relief to Pro Se due process.

Pro Se has ongoing claims before this Honorable Court that are still pending before the Honorable Judge Young and the Honorable Judge O'tool under docket numbers 02-40095-WGY and 03-40134-GAO.

CONCLUSION

Whereas, Pro Se has tried to excise his right to due process through the administrative remedy process of the institution and it has been hindered by the Defendants to prevent Pro Se from the right of due process and the ongoing retaliation by the Defendants because Pro Se excises the right of due process, Pro Se humbly request this Honorable Court to proceed with this action with a trial by jury and consolidate this claim with the other ongoing action before this Honorable Court.

Submitted this 14 day of October, 2003 under the penalty of perjury that the foregoing is true and correct.


Johnny Cyrus #49400-053

Plaintiff / Pro Se

STATEMENT OF FACTS

Johnny Cyrus #49400-053

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On or about September 28, 2003, 12:00pm I was told that I was held in segregation MHU by Dr. A. Williams, Medical staff of F.M.C. Devens, because the doctor wanted me to take the medications that I signed a refusal for, one in February and another in August of 2003, I don't take any medications from F.M.C. Devens medical staff, I don't trust any of the staff with my medical concerns at all. I haven't taken any medication since February 3rd, why should I take it now. I have been in MHU (Mental health unit) segregation since August 16th, the DHO gave me seven(7) days segregation time, it was up August 28,2003, since I have been down in MHU, Dr. Williams has been coming to my cell, asking me are you going to take the medication, I inform her "no" this is five(5) days a week, she stated "you are not getting out of here until you take the medications." Now I am being forced to take medication and threaten with staying in the MHU until I take the medications, this is abuse of authority. The Doctor knows, it can drive you mentally insane in MHU all you hear all day and night is screaming, banging, crying, moaning, and yelling everybody screaming, "I want to go home!" this is seven(7) days a week twentyfour(24) hours a day, I try to block it out, I can't get no sleep, this is torture and cruel and unusual punishment and mental anguish.

STATEMENT OF FACTSJohnny Cyrus #49400-053
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On September 29, 2003, at 11:00am, Warden Winn came to my cell and stated to me, "Listen shithead, I don't give a flying fuck who is tempering with your food, I don't give a shit if you don't eat, and I am going to keep your ass in segregation for the rest of your jail time til 2011. This is my jail, I don't care who you write too, your word over mine your a fucking inmate! you are going to wish you never tried to suit me, shithead." All I did was give him a request form when he went pass my door, telling him that my food is being tempered with and the other names of the officers, who keep harassing and threatening me. He just went off on me, because of the lawsuit against him.

Now I know for sure that my life is in danger here, at F.M.C. Devens Prison, now that the staff have the okay from the Warden, they are going to kill me or hurt me some how now!! I am being held from anybody that can help me, please get me out of this jail, my segregation in SHU was up on August 28, 2003, I only had seven(7) days in SHU this is retaliation, threatening, harassment by the staff and Warden David L. Winn.

STATEMENT OF FACTS

Johnny Cyrus #49400-053

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On September 30, 2003 I was given six(6) months loss of my personal property and six(6) month loss of commissary for defecating on the floor of my cell three(3) times. Where I was held in a non-handicap cell for 108 cell and for 124 cell in mental health unit(N-1) which also was not a handicap cell, they gave me a bedpan and a urinal bottle, after they realized I was not in a handicap cell. I had told them that I can't use the toilet, shower, or bed that had no handicap rails in the cell, I was put in these cells anyway then they moved me to a handicap cell. The DHO (Discipline hearing officer) D. Bracy comes and gives me the six(6) month loss without taking in account that the cell I was in 122 did not have handicap rails or that it was not handicap accessible, there was no rails around the toilet and there is no rail for me to transfer from my wheelchair to the bed I am forced to sleep on the floor, it's the only way I can get in and out of my wheelchair from the ground up to the bed. I still have to use a bedpan and urinal bottle because there is no rails, I have been using the bedpan and the urinal for three(3) months in the MHU segregation, they told me that they didn't have handicap cells in SHU so they had to bring me to MHU in the mental ward where there still isn't any handicap cells. The conspiracy with the DHO D. Bracy and the Dr. Newman and the Warden David L. Winn is retaliation, deliberate indifference, harassment, mental anguish, pain and suffering because of my civil action 02-40095-WGY and 03-40134-GAO, this will never stop the harassment until I am out of this Jail F.M.C. Devens, they also refuse to give me administrative remedies to excise my due process by not giving me my paperwork or any paper to write with or my legal work.